

REMARKS

The present amendment is in response to the Office Action, dated August 19, 2003, where the Examiner has rejected claims 1-20. By the present amendment, claims 1, 9 and 17 have been amended, and new claims 21-22 have been added. After the present amendment, claims 1-22 are pending in the application. Reconsideration and allowance of pending claims in view of the amendments and the following remarks are respectfully requested.

A. Request for Withdrawal of Finality

By the present Office Action, the Examiner has finally rejected claims 1-20 pending in the present application on the basis of new ground(s) of rejection and newly cited art. Applicant respectfully requests reconsideration and withdrawal of the finality of the rejection of the Office Action, dated August 19, 2003.

A good and sufficient reason why the present response is necessary and was not earlier presented is that an entirely new reference has been cited in the present final rejection dated August 19, 2003 (37 CFR 1.116(c)). The new reference is Damoci, et al. (USPN 4,958,371) (hereinafter "Damoci") which is for the first time brought to applicant's attention by means of the present final rejection, dated August 19, 2003. The new reference, i.e., Damoci, was not cited in the present application prior to the instant final rejection. Since Damoci is a reference upon which the Examiner has now relied, applicant believes that it would be manifestly unfair for the Patent Office not to consider applicant's arguments and withdrawing the finality of the present Office Action.

B. Rejection of Claims 1, 3-5, 7-11, 13-14, 16-18 and 20 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 3-5, 7-11, 13-14, 16-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Sun, et al. (USPN 6,212,263) (hereinafter "Sun") in view of Damoci. Applicant respectfully disagrees.

First, applicant respectfully disagrees with the Examiner's characterization of the new cited reference, i.e. Damoci. The Examiner admits that Sun does not disclose, teach or suggest that a constant current is provided to the customer premises equipment when a line impedance of the telephone network varies in a predetermined rang when the customer premises equipment is off-hook. But, the Examiner relies upon FIG. 3 and the written description of Damoci (col. 5, lines 30-48) to provide this admittedly missing element of Sun. Applicant respectfully submits that the Examiner's reliance is misplaced. Damoci simply states that "telephone line impedance can vary anywhere from 440 to 3600 Ohms", and that "a Zener diode D100 is provided, which will maintain the line voltage across tip and ring, at approximately 17 volts DC." (col. 5, lines 37-42.) However, Damoci fails to disclose, teach or suggest that a constant current is provided to the customer premises equipment. Applicant respectfully submits that maintaining the voltage at 17 volts using a Zener diode does not lead to maintaining the current at a constant value. In fact, in Damoci, the current can vary substantially. Further, applicant does not dispute that one of ordinary skill in the art, at the time of the invention, knew that the telephone line impedance could vary depending on the load. However, the cited references fail to disclose, teach or suggest a current source for providing a constant current to the customer premises equipment, despite the variations in the line impedance.

In addition, to further clarify claim 1, applicant has amended claim 1 to state that the constant current source is “drawn from the telephone network”. Applicant respectfully submits that this amendment further distinguishes claim 1 over Sun, which shows power supply 414 being provided by the customer premises equipment.

Accordingly applicant respectfully submits that claim 1 and its dependent claims 3-5 and 7-8 should be allowed.

At least for the same reasons stated above in conjunction with patentability of claim 1, applicant respectfully submits that claims 9 and 17 and their respective dependent claims 10-11, 13-14, 16, 18 and 20 should also be allowed.

C. Rejection of Claims 2, 6, 12, 15 and 19 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2, 6, 12, 15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Damoci and further in view of Seazhotz et al. (USPN 5,737,706) (hereinafter “Seazhotz”). Applicant respectfully disagrees.

Applicant respectfully submits that claims 2 and 6 depend from claim 1, claims 12 and 15 depend from claim 9, and claim 19 depends from claim 17. At least for the same reasons stated above in conjunction with patentability of claims 1, 9 and 17, applicant respectfully submits that their respective dependent claims 2, 6, 12, 15 and 19 should also be allowed.

D. New Claims 21-22

New Claims 21 and 22 depend from claims 1 and 9, respectively, and claim certain elements of the current source of claim 1 and 9, respectively. Applicant respectfully submits that claims 21 and 22 should be allowed at least for the same reasons stated above in conjunction with patentability of claims 1 and 9.

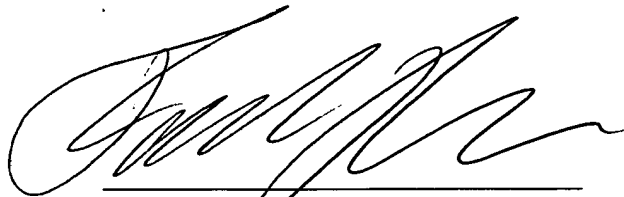
E. Conclusion

For all the foregoing reasons, an early allowance of claims 1-22 pending in the present application is respectfully requested. Moreover, applicant directs the Examiner's attention to the Revocation and Power of Attorney, filed concurrently (a copy of which is hereby enclosed), which conveys power of attorney to the undersigned attorneys. Accordingly, applicant respectfully requests that all subsequent communications be directed to:

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The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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